

### **REMARKS**

The present remarks are in response to the Office Action dated march 21, 2008 in which the Office Action issued a rejection of claims 1-18, 24, 25, and 28-30. In this response, the Applicant has amended the independent claims 1, 13, 17, and 24. Additionally, the Applicant provides a response to the Office Action with detailed comments to overcome the rejections, and respectfully requests that the pending claims be placed in a state of allowance. No new matter has been added.

#### **A. Withdrawal of Finality of Rejection**

In the Final Office Action, the Examiner finally rejected claim 1-18, 24, 25, and 28-30. If an Applicant files a Request for Continued Examination (RCE) in a timely manner as set forth in 37 CFR 1.17(e) with a submission, the Office will withdraw the finality of any Office Action to which a reply is outstanding and the submission will be entered and considered. See 37 CFR 1.114(d).

Although the Applicant disagrees with the Examiner's grounds for rejection, the Applicant has modified the independent claims 1, 13, 17 and 24 to expedite the prosecution of this patent application. The Amendments to each of the independent claims are directed to predetermining a maximum memory size for each segment file, wherein the maximum memory size corresponds to a maximum amount of memory usable to load images for each segment file. Support for these claim amendments is provided *inter alia* in Figure 2 and Paragraph [0009], [0021]-[0024], [0030], [0037], [0041], [0042], [0047], of the published patent application 2005/0104886 A1.

Furthermore, with respect to claim 17 the Applicant has included limitations that provide for determining a first segment file with a batch processor where the segment files aggregates to a size up to the predetermined maximum memory size, determining a second segment file with the batch processor where the segment file also aggregates up to the predetermined maximum memory size, retrieving the first segment file with an animation engine, loading the images into a memory, extracting a callback identifier with the animation engine, releasing the memory, retrieving the second segment file with the animation engine, and loading the second set of

images in the memory. Support for references to the batch processor and/or animation engine is provided in *inter alia* the Abstract, Figure 1, Figure 6, the Summary, Paragraph [0019] – [0025], [0028] – [0031], [0034], [0036], [0047], and [0050] in the published patent application.

Thus, the Applicant respectfully submits that substantive claim amendments have been made to the RCE. In view of the amendments and changes to the claims, the Applicant requests that the Examiner withdraw the finality of the Office Action and place all claims in a condition of allowance.

### **B. Obviousness Rejections (35 U.S.C. § 103)**

The Examiner has rejected claims 1-18 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,841,432 to Carmel et al. (hereinafter referred to as "Carmel") in view of US Patent No. 5,692,117 to Berend (hereinafter referred to as "Berend") and US Patent No. 5,113,493 to Crosby (hereinafter referred to as "Crosby"). Applicant respectfully disagrees and submits that these references do not teach, describe or suggest the features of Applicant's claims.

However, to expedite the prosecution of this patent application, the Applicant has amended independent claims to 1, 13, 17, and 24; these independent claims include limitations for predetermining a maximum memory size for each segment file, wherein the maximum memory size corresponds to a maximum amount of memory usable to load images for each segment file. With respect to the claims the Applicant has attempted to distinguished between a predetermined maximum memory size that is used for generate at least two separate segments, and a memory readable by the animation engine that reads the segment files.

Applicant respectfully submits that neither Carmel, Berend, Crosby, nor the combination thereof teach this limitation and this limitation would not be obvious to one of ordinary skill in the art. Applicant respectfully submits that Crosby teaches away from Applicant's amended claim because Crosby cannot know the size of the available memory without inquiring as to the availability of the memory. See Crosby col. 8: lines 13-43 and col. 9: lines 32-42. Additionally, Carmel does not specifically teach determining a maximum size related to a maximum amount of memory usable to load images.

With respect to claim 17, the Applicant also claims determining a first segment file with a batch processor, the first segment file configured to aggregate to a size up to the predetermined maximum memory size, the first segment file having a final image; determining a second segment file with the batch processor, the second segment file configured to aggregate up to the predetermined maximum memory size, the second segment file being in sequence behind the final image; retrieving the first segment file with an animation engine, the first segment file identifying a first subset of the images; loading the first subset of images into a memory and sequentially displaying the images in the first subset of images; extracting a callback instruction using the first segment file with the animation engine, the callback instruction identifying the second segment file; releasing the memory holding at least one of the images in the first subset of images; retrieving the second segment file with the animation engine, the second segment file identifying a second subset of the images; and loading the second subset of images into the memory and sequentially displaying the images in the second subset of images.

In claim 17, the Applicant has distinguished between the operations of the batch processor and the animation engine. The batch process builds animation segment files that have a size up to predetermined memory size. See *inter alia* Paragraph [0023] – [0024]. The animation engine then retrieves each segment file that is loaded in the memory. See *inter alia* Paragraph [0031]. The Applicant respectfully submits that this distinction between the operations performed by the batch processor and the animation engine are not taught by either Carmel, Berend, Crosby, or the combination thereof and this limitation would not be obvious to one of ordinary skill in the art.

**C. Conclusion**

In view of all of the foregoing, claims 1-18, 24-25, and 28-30 overcome the Office Action rejection herein and are now patentably distinct and in condition for allowance, which action is respectfully requested. If necessary, applicant requests, under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application and to charge the fees for a large entity under 37 CRFR 1.17(a). The Director is authorized to charge any additional fee(s) or any underpayment of fee(s) or credit any overpayment(s) to Deposit Account No. 50-3001 of Kyocera Wireless Corp.

Respectfully Submitted;

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